

DENIS M. VANNIER, OSB #044406  
Senior Deputy City Attorney  
[denis.vannier@portlandoregon.gov](mailto:denis.vannier@portlandoregon.gov)  
NAOMI SHEFFIELD, OSB #170601  
Senior Deputy City Attorney  
[naomi.sheffield@portlandoregon.gov](mailto:naomi.sheffield@portlandoregon.gov)  
Portland City Attorney's Office  
1221 SW 4th Ave., Rm. 430  
Portland, OR 97204  
Telephone: (503) 823-4047  
Facsimile: (503) 823-3089  
*Of Attorneys for Defendant City of Portland*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**INDEX NEWSPAPERS LLC**, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

**CITY OF PORTLAND**, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; and **JOHN DOES 61-200**, federal agents,

Defendants.

3:20-cv-1035-SI

**DECLARATION OF CRAIG DOBSON**

**(In Support of Defendant City of Portland's  
FRCP 12(b)(1) and 12(b)(6) Partial Motion  
to Dismiss)**

I, Commander Craig Dobson, declare as follows:

1. I am employed by the City of Portland as a Commander in the Portland Police Bureau (“PPB” or “the Bureau”). I have been a police officer for the City of Portland since 1998. Currently, in addition to my role as Commander, I am also frequently in the role of Incident Commander for crowd management/crowd control occurrences that take place within the City.

2. In making this declaration, I have reviewed and drawn from applicable Force Data Collection Reports, data compiled by PPB force auditors, Incident Commander summaries, press releases, activity logs, my prior declarations, discussions with other incident commanders, and videos. I also base this declaration on my personal experience.

3. When “tear gas” is referenced in this declaration it means hand-tossed or launched canisters containing CS or OC. PPB trained officers may carry 2-chlorobenzalmalononitrile “CS gas,” Oleoresin Capsicum Pyrotechnic “OC pyrotechnic,” and “OC vapor.” PPB officers also may have deployed rubber ball distraction devices (“RBDDs”) containing OC.

**May to November 2020**

4. Beginning on May 28, 2020, through September 6, 2020, there were nightly protests in Portland.

5. From September 7, 2020, through November 15, 2020, protests continued almost every night in Portland, and these protests varied in the size of crowd and police response.

6. Beginning November 15, 2020, PPB no longer maintained a nightly incident command center because protests had become sporadic.

7. PPB officers deployed tear gas on May 29, 30, 31, and June 2, 5, and 6. PPB officers did not deploy tear gas again until June 25, 2020.

8. From June 25, 2020, to September 28, 2020, PPB used tear gas on seventeen nights.

9. September 5, 2020, was the last date that PPB officers used CS gas in connection with a protest.

10. September 28, 2020, was the last date that PPB officers used any tear gas (OC Vapor) in connection with a protest.

**November 15, 2020, to December 31, 2020**

11. From November through December 31, 2020, protest activity in Portland became more sporadic.

12. PPB officers did not engage in any crowd management response<sup>1</sup> to protest activity from November 15, 2020, until December 31, 2020.<sup>2</sup>

13. On New Year's Eve 2020, PPB responded to a protest on the night of December 31, 2020, to January 1, 2021. During this response, PPB declared an unlawful assembly shortly before midnight in response to projectiles, including mortars, being thrown at the Justice Center. During the response, members of the crowd threw at least two Molotov cocktails at officers, and large fireworks were launched at the federal courthouse and the Justice Center. PPB officers did deploy force in response, including the use of 40mm and FN303 less lethal launchers and batons.

**January 1, 2021, to March 31, 2021**

14. From January 1, 2021, to March 31, 2021, protest activity in Portland continued, but it was considerably more sporadic and included many fewer participants than during the summer of 2020.

15. During this three-month period, PPB had a crowd management response to fewer than ten protests.

16. PPB was aware of many additional protests, but the vast majorities of these protests were small and required no police response.

---

<sup>1</sup> When used in this declaration, a crowd management response is a public security practice in which police respond to crowds to manage them in order to prevent the outbreak of crowd crushes, affrays, fights or riots, or in which an assembly, protest or demonstration is dispersed. See ORS 181A.708(1)(a) (defining "crowd management").

<sup>2</sup> During this period, a protest and occupation of an area around the "Red House" in the area of N. Albina Avenue and N. Mississippi Avenue occurred. PPB patrol officers provided assistance to Multnomah County Sheriff's Office deputies in connection with an eviction related to this event. PPB did not deploy a crowd management response.

**April 1, 2021, to June 24, 2021**

17. In April 2021, there was an uptick in protest activity, but that activity diminished through the remainder of the Spring.

18. From April 1 to June 30, 2021, PPB engaged in a crowd management response to protests on approximately 24 separate occasions. On eight occasions PPB declared a riot or an unlawful assembly. Below is a brief description of each of these protests:

- a. On April 1, 2021, PPB responded to a small gathering of protesters at the ICE facility. Mobile Field Force (MMF) was deployed to create a safe work zone for Portland Fire and Rescue (PFR). PPB did not declare an unlawful assembly, made no arrests, and deployed no munitions. One PPB officer used force during this event.
- b. On April 9, 2019, PPB responded to a direct action event in Brooklyn Park. A crowd of 20 – 50 people marched through SE Portland for several hours. Individuals broke windows, set small fires, and spray painted some areas. PPB did not declare an unlawful assembly, made no arrests, and used no force.
- c. On April 10, 2021, protesters gathered at the ICE facility on S. Macadam. MFF was deployed to create a safe work zone for PFR. PPB did not declare an unlawful assembly and made no arrests. A single PPB officer deployed a 40mm munition.<sup>3</sup>
- d. On April 11, 2021, 40 – 50 protesters gathered for a direct action event at the Justice Center. During the evening, the crowd marched through downtown and spray-painted graffiti on the side of the Justice Center. Despite vandalism and property damage, PPB did not declare an unlawful assembly, made no arrests, deployed no munitions, and did not use force.

---

<sup>3</sup> In my prior declaration in *Wolfe, et al. v. City of Portland*, 3:20-cv-01882-SI, I incorrectly stated that PPB deployed no munitions. (3:20-cv-01882-SI, ECF 110). In fact, as stated above, one 40mm munition was used on April 10, 2021.

- e. On April 12, 2021, 100 – 150 protesters gathered in the afternoon in support of Daunte Wright, a Minnesota man shot and killed by police. PPB did not declare an unlawful assembly, made no arrests, and deployed no munitions.
- f. On the same day, April 12, 2021, another group of 100 people dressed in full black arrived at Laurelhurst Park. These protesters arrived with gas masks and individuals identifying as medics. The crowd increased to 200 – 250 people and marched from Laurelhurst Park to Penumbra Kelly Building. Upon arrival at Penumbra Kelly Building, they took over the street and blocked the east and west entrances to the parking lot. Penumbra Kelly Building was occupied with sworn and non-sworn personnel. The group moved dumpsters in front of both entrances and lit them on fire. The crowd threw large rocks, bricks, frozen water bottles, glass bottles, and large mortars at the officers. Numerous announcements were made but the crowd continued its attack. Based on the imminent danger to life safety, PPB declared an unlawful assembly at 22:07 hours. The crowd made another push to the front doors and caused more damage to the building. At 22:22 hours, PPB declared a riot and moved the crowd to SE 39th Avenue. PPB officers used force in response to individual's behavior, including deploying 40MM less lethal rounds and pepper spray.
- g. On April 13, 2021, approximately 110 protesters gathered at Kenton Park and marched to North Precinct. The crowd blocked the streets and began attacking the northwest and southwest ends of the buildings. Multiple warnings were given from the sound truck not to engage in criminal activity or block the street. Protesters then set the plywood vestibule protection attached to the southwest doorway on fire. Based on the crowd activity and the fire, I declared a riot and ordered the area cleared. Rapid Response Team (RRT) and MFF moved in and used no force to clear the crowd. The crowd dispersed and reformed at the ICE

facility on S. Macadam. FPS requested assistance because the group escalated its behavior including pushing a burning dumpster up to the building. PPB provided assistance to FPS. PPB made one arrest for arson and deployed no munitions. PPB did not use force at this event.

- h. On April 16, 2021, an officer involved shooting at Lents Park precipitated a spontaneous gathering of 150 – 200 people near the park. Two other protest events were previously scheduled for this evening. Approximately 150 – 200 people gathered at Salmon Springs Fountain. This group marched east over the Hawthorne bridge. A separate group of approximately 100 persons began to march from Director Park through downtown. This group began to break windows and damage property throughout downtown. Based on the damage and crowd activity, I declared a riot at 21:49 hours. The crowd continued to move throughout downtown with individuals engaging in vandalism. Multiple fires were started including a fire in a dumpster and a Porta-potty. PPB made four arrests, and PPB officers did use force on some individuals in the crowd at these events.
- i. On April 17, 2021, two protest events were planned in response to the Lents park officer involved shooting. 60 - 70 protestors arrived at East Precinct and gathered in the street and in the parking lot. Members of the crowd were wearing body armor and helmets and heavy back packs. Several announcements were made instructing the crowd not to engage in criminal activity and to not block the two garage doors to the precinct and to get out of the street. Members of the crowd maneuvered two dumpsters from the park and started to roll them towards the garage doors. The crowd was chanting “Burn the building to the ground.” Based on the crowd activity and attempt to start a fire, Captain Tim Robinson declared an unlawful assembly to disperse the crowd. RRT, Oregon State Police and

Multnomah County Sheriff's Office deployed, and the crowd dispersed. PPB used no force.

- j. On April 18, 2021, PPB responded to a small gathering of 50 – 60 people downtown. A plastic newspaper box was set on fire near SW 3rd Avenue and SW Main St. PPB monitored the crowd. PPB did not declare an unlawful assembly and used no force.
- k. On April 19, 2021, approximately 80 individuals gathered in Woodlawn Park. The protestors left the park and marched west through the residential neighborhood, blocked traffic, and individuals broke windows of nearby businesses. At approximately 21:45 hours, the sound truck announced for the crowd to keep streets open to vehicular traffic and provided a reminder of the burn-ban. Additionally, an admonishment was provided for the crowd to abstain from criminal behavior or force may be used. At 21:52 hours the crowd gathered west of North Precinct, obstructed all lanes of traffic on NE MLK, and broke multiple windows at the Boys and Girls Club. Based on the crowd activity, an unlawful assembly was announced and the protesters were directed to disperse northbound. The group disregarded the order and marched south, obstructed traffic, and continued to smash windows of businesses. PPB made two targeted arrests, but used no force.
- l. On April 20, 2021, PPB responded to protests scheduled in response to the Derick Chauvin verdict. People began gathering at 15:29 hours in Chapman Park. By 20:16 hours, the crowd size had increased to approximately 100 people. At 21:52 hours, approximately 70 individuals left and marched downtown. Individuals in this group broke windows at Starbucks and Pioneer Square. Captain Tim Robinson declared an unlawful assembly at 21:56 hours. At 22:01, an individual from this group attacked an RRT member. This group eventually dispersed at

approximately 23:47 hours. During this time, 40 individuals remained at the Justice Center and remained peaceful throughout the evening. PPB made two arrests. PPB officers did use force at times during the evening.

- m. On April 21, 2021, a group of 30 – 40 individuals gathered near the Justice Center. Individuals started a fire and spray painted the walls of the Justice Center. The group blocked the intersection of SW 2nd Avenue and SW Main St. At approximately 22:00 hours, the group marched through downtown and dispersed at approximately 22:30 hours. PPB did not declare an unlawful assembly, made no arrests, and did not use force.
- n. On April 22, 2021, a group gathered for a vigil at Pioneer Square to remember Ma'Khia Bryant, the victim of the Columbus Ohio officer involved shooting. Approximately 100 people gathered in the Square. By 20:30 hours the event concluded, and the group left the Square. There were no other protest related events in the city. Precinct MFF conducted extra patrol in the downtown area before returning to their precincts. PPB did not declare an unlawful assembly, made no arrests and did not use force.
- o. On April 23, 2021, a small group attended a vigil at Lents Park in support of Robert Delgado. PPB did not declare an unlawful assembly and made no arrests.
- p. That evening, on April 23, 2021, a group of approximately 70 individuals gathered at Couch Park. The crowd marched through the street, blocked traffic, and individuals engaged in property damage. The group confronted patrons inside the NW McMenamin's with a large can of bear spray. A riot was declared at 21:36 hours and the crowd was given direction to proceed North. PPB made two arrests for vandalism, but did not use of force.
- q. On May 1, 2021, multiple events were scheduled. Most of these events did not require a police presence. In the evening, a group gathered at Shemanski Park.



Approximately 100 individuals marched from the park and broke several windows at various buildings. Based on the crowd activity and property damage, Captain Tim Robinson declared an unlawful assembly and eventually declared a riot. Two arrests were made of individuals who committed felony level vandalism. Officers made several targeted arrests based on probable cause for earlier incidents. PPB did deploy force in response to actions by individual members of the crowd.

- r. On May 25, 2021, there were two events scheduled to take place in the City of Portland. The first event began at Revolution Hall in SE Portland to the midspan of the Burnside Bridge. This event was peaceful. PPB did not declare an unlawful assembly, made no arrests, and used no force.
- s. On the same day, May 25, 2021, a group of approximately 75 individuals gathered at Chapman Square and blocked the intersection of SW 3rd Avenue and SW Main St. Individuals moved a dumpster next to the Justice Center and set it on fire. Individuals threw frozen water bottles and metal pipes at officers. A mortar struck the side of the RRT van. Based on the crowd activity and fire, Captain Tim Robinson declared an unlawful assembly. The crowd increased to 200 – 300 individuals and marched to City Hall. Many windows were broken. Individuals continued to set fires and engage in acts of vandalism. PPB declared a riot. PPB made five arrests, deployed 1-RBDD, 1-FN 303, and 1 Saf-Smoke.
- t. On May 28, 2021, there were two groups of demonstrators that gathered throughout the night. The first group of about 60 - 100 gathered at Revolution Hall in SE Portland. The demonstrators made a short march and returned to Revolution Hall to watch a movie. There was no criminal activity and no issues that required a police response. PPB did not declare an unlawful assembly, made no arrests, and did not deploy munitions during this event.

- u. On the same night, May 28, 2021, a second group gathered at Terry Schunk Plaza in downtown Portland. PPB made one arrest without use of force. PPB did not declare an unlawful assembly and deployed no munitions.
- v. On June 17, 2021, a group of about 30 individuals gathered for an evening march organized by a group seeking “Justice for Patrick Kimmons.” The demonstration started at Revolution Hall in SE Portland. A second group gathered at Fields Park in the Pearl District. PPB did not declare an unlawful assembly, made no arrests and did not use force.
- w. On June 18, 2021, an event was planned to take place at PPB’s North Precinct. A group of approximately 40 individuals gathered and briefly marched. PPB did not declare an unlawful assembly, made no arrest, and did not use force.
- x. On June 24, 2021, a crowd of approximately 75 gathered at the perimeter of an officer involved shooting that occurred near the intersection of NE Grand and NE Holladay Street earlier that evening. I was not the Incident Commander that night. Captain James Crooker was the acting Incident Commander. This event required an MFF response from east and Central Precincts to support North Precinct’s MFF and protect the crime scene and officers within it as they conducted their investigation. The crowd of about 75 individuals grew hostile. The crowd began yelling and throwing bottles and rocks at officers and patrol vehicles, ultimately hitting an officer in the chest with a rock while on the line attempting to manage the crowd. An individual ripped the crime scene tape and attempted to breach the area boundary into the crime scene. One officer’s baton was grabbed and was being pulled toward the crowd. Other officers intervened and someone from the crowd pepper sprayed an officer. At one point during the investigation, a member of the crowd who had been antagonizing police had a violent confrontation with officers on the line. This resulted in police surging ahead to assist the officer and

regain the crime scene ground. PPB remained on the line as lasers, spotlights, and bullhorns were used over the next several hours. While trying to break down and leave the crime scene, three North Precinct patrol cars were vandalized including slashed tires and windows broken out. PPB used force during the violent confrontation between the crowd and the officer line. PPB declared an unlawful assembly but made no arrests.

### **July 1, 2021, to Present**

19. PPB is aware of well over one hundred protest that occurred from July 1, 2021, to November 1, 2022. One protest during this time period, on May 3, 2022, involved a PPB crowd management response. PPB did not declare any riots, unlawful assemblies, or civil disturbances, but PPB did use its sound truck to announce a riot declared by the Multnomah County Sheriff's Office on November 19, 2021 (discussed below). There were no protests during this period where PPB officers used force.

20. In July 2021, there were no protest events that required a crowd management response from PPB. PPB did not declare any unlawful assemblies or riots during that month.<sup>4</sup>

21. On August 7, 2021, PPB responded to a gathering of two separate groups of protesters that had potential conflict between the two groups. The event appeared to have approximately 50-100 participants who moved throughout the City, mostly in the area of downtown SW Portland and the Hawthorne Bridge. A couple of clashes between the two groups occurred, so PPB deployed its MFF to respond and separate the two groups. Activating MFF was a precaution to deal with conflict that could result in serious injuries or where nonparticipating persons could be affected. At one point, PPB called multiple cover cars into an area to disperse a conflict between the two groups. The two clashes were short in duration and no serious injuries

---

<sup>4</sup> On July 29, 2021, PPB officers provided security during an encampment removal at Laurelhurst Park. While providing security at this event an individual who was protesting the encampment removal was arrested, and three PPB officers used force to effect the arrest.

were inflicted on either side to my knowledge. PPB did not declare an unlawful assembly, made no arrests, and used no force during this event.

22. On August 22, 2021, a right-leaning group had indicated an intent to hold an event at Waterfront Park. A left-leaning group indicated an intent to have a counter-protest in response. On August 22, the right-leaning group ultimately moved their protest to a Kmart parking lot on NE 122nd and NE Sandy Blvd. The left-leaning group held their counter-protests downtown. After both protests had begun, some of the left-leaning protesters moved out to NE 122nd and NE Sandy Blvd. PPB staged officers in the area to address any life or safety situations that might arise. There were a number of clashes between the two groups, including damage to several vehicles. Back downtown, where some left-leaning protesters had stayed, a shooting occurred at SW Yamhill. PPB arrested one of the shooters. Two reporters from a local news station reported that they were attacked by left-leaning protesters but were able to leave the area. Besides an immediate arrest of the individual shooter, PPB sought to capture livestream video to capture individuals engaged in criminal activity.

23. From September 2021 through April 2022, there have been protests, but they have largely involved smaller crowd sizes, typically below 40 people, with the largest of these events being a peaceful high school student protest of approximately 500 people on September 24, 2021. PPB monitored these events, and at times engaged in a targeted police response to particular individuals where there was probable cause to believe that individual was engaged in criminal activity. PPB did not engage in any crowd management response to these events. Below are examples of the police response on the ground:

- a. On November 19, 2021, following the verdict in the Kyle Rittenhouse trial, a protest occurred at the Justice Center. The protesters surrounded the precinct by approximately 8:30 p.m., and Multnomah County Sheriff's Office declared a riot at approximately 9:00 p.m. The riot was declared after some protesters and Multnomah County Sheriff's deputies clashed while the deputies tried to secure a

gate to the building that was malfunctioning. PPB's sound truck was used to announce the riot declaration from Multnomah County Sheriff's, but PPB officers did not otherwise participate in the response to the declared riot. PPB monitored the protest, learning that some protesters broke windows at a print shop and a garage downtown. PPB officers arrested two individuals. The first arrest was for an individual using a laser on the airplane. The second arrest was for an individual who fired a ball bearing at cars. This second individual also had a federal arrest warrant. PPB officers did not use force at this event.

- b. On February 20, 2022, there was a scheduled protest. PPB was aware of this event but did not deploy a crowd management response. PPB did respond to a 911 call because an individual shot into the protest. This was treated as an emergency 911 response, not a crowd management response.
- c. On April 16, 2022, a direct action protest was organized at Peninsula Park. The group began marching at approximately 9 p.m. Individuals from the march engaged in some vandalism at the park and broke windows of some businesses along the march. Upon arriving at North Precinct, an individual threw a mortar onto the roof of PPB's North Precinct, which detonated near officers. The group continued to march, and some additional buildings were vandalized. Upon returning later to North Precinct, a dumpster in the lower parking lot of North Precinct was lit on fire with a flare. PPB officers responded to the fire in vehicles with lights and sirens, and the group dispersed. PPB was unable to put out the fire, and ultimately Portland Fire and Rescue arrived and provided assistance. PPB officers did not use any force and no arrests were made at the time of the event.
- d. On May 1, 2022, two groups of protesters gathered at SW Oak and SW 5th Avenue. One of the groups blocked the intersection. PPB deployed its demonstration liaison officers and some patrol officers to make contact with the

group blocking the street and ask them to move to the sidewalk to open the street for regular traffic. The group refused to communicate with the officers, but PPB did not engage in any further response. Another march occurred near SE Belmont and SE 25th. There was some minor graffiti during this march and one mortar-type round was let off on ground, but the group dispersed on their own. Some vehicles that dispersed were stopped for having no license plates. During the event, police officers in vehicles were present in and around the area, but there was no crowd management response.

24. On May 3, 2022, following release of the draft decision in *Dobbs v. Jackson Women's Health Organization*, multiple groups organized demonstrations downtown. There were multiple instances of vandalism, and one person was arrested for shoving burning materials under the wooden courthouse fence. PPB deployed with four MFF units inside patrol vehicles along the route that protesters marched. PPB officers did not use force. PPB did not declare an unlawful assembly, civil disturbance, or riot at any of these events.

25. Since May 3, 2022, PPB deployed patrol resources to have a presence at some of these events to identify persons engaged in criminal activity. PPB did not deploy a crowd management response for any of these events. PPB did not use force at any of these events. PPB did not declare an unlawful assembly, civil disturbance, or riot at any of these events. Below are examples:

- a. On June 24, 2022, there was an anticipated protest in response to the issuance of the Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*. Several hundred people gathered in Lownsdale Park at approximately 5:00 p.m. and held a peaceful assembly. At approximately 6:30 p.m., the group split with half remaining in the park and the other half beginning a march through downtown and over the Hawthorne Bridge and back. After returning, a couple of hundred individuals remained gathered in Lownsdale Park. At approximately

11:00 p.m. a group of protesters began another march in downtown. PPB had officers available to respond to criminal activity during the march, but none occurred. Just before 1:00 a.m. a small group entered the rotunda of the Justice Center, and they were removed, and PPB locked the doors. PPB did not declare an unlawful assembly, civil disturbance, or riot. PPB did not make any arrests. PPB did not use any force.

- b. On October 2, 2022, PPB was aware of an event at Pioneer Courthouse Square for Iranian women's rights. PPB did not monitor or respond in any way to this event.

### **Summary**

26. PPB has not deployed CS gas at a protest since September 5, 2020. PPB has not deployed any type of tear gas, whether CS gas or OC gas, at a protest since September 28, 2020.

27. PPB has not deployed any kinetic impact projectiles (either FN303 or 40mm) at a protest since June 24, 2021.

28. PPB has not deployed any handheld OC spray at a protest since June 24, 2021.

29. PPB has not deployed any rubber ball distraction devices ("RBDD") at a protest since May 2021. PPB does not currently use RBDDs and is engaged in a process to decommission all remaining inventory of RBDDs.

30. PPB has not declared an unlawful assembly, civil disturbance, or riot in connection with a protest since June 24, 2021. PPB, did, however, use its sound truck on behalf of Multnomah County Sheriff's Office to declare a riot November 19, 2021.

### **PPB's Ongoing Response to Protests**

31. The Portland Police Bureau, while remaining subject to this Court's Preliminary Injunction regarding journalists and legal observers, has significantly modified its tactics in responding to protests in Portland in order to ensure compliance with new Oregon laws and City policies, including:

- a. ORS 131.675, which is the Oregon law addressing unlawful assemblies, was modified effective January 1, 2022.
  - b. ORS 162.247, which is the Oregon law defining the crime of interfering with a peace officer, was amended effective June 11, 2021.
  - c. ORS 181A.708, was amended effective March 23, 2022, and set forth specific requirements and prohibitions regarding the use of tear gas, kinetic impact projectiles, and handheld OC spray during protests.
  - d. PPB Directive 1010.00, as updated effective November 15, 2022, expressly prohibits any uses of force that are not objectively reasonable under the totality of the circumstances, consistent with *Graham v. Connor*. PPB Directive 1010.00 applies to all uses of force by a PPB officer, including any uses of force in response to a protest. Attached hereto as Exhibit 1, is a copy of PPB Directive 1010.00 that will be effective November 15, 2022.
  - e. PPB Directive 635.10 places additional restrictions on the use of force in crowd management / crowd control, beyond the restrictions set forth in Directive 1010.00. These additional limitations include certain situations where force that would otherwise be objectively reasonable cannot be used without authorization from the Incident Commander. The reason for this additional restriction is that the use of force, even reasonable force, could have a negative impact on the overall crowd dynamic.
32. As a result of these changes in law and directives, PPB has tactically adjusted the manner in which it responds to protest events, including the following changes:
- a. PPB has ceased using RBDDs at protest events and is currently undertaking a process to destroy its remaining inventory of these munitions.



- b. PPB uses resources to monitor protests and attempt to identify individuals engaged in criminal conduct.
- c. PPB deploys small arrest teams to intervene, respond to, and arrest individuals for whom there is probable cause to believe committed a crime.
- d. PPB maintains crowd management resources, which could be deployed for extraordinary circumstances where other tactical responses would be unable to address a significant threat to life safety.

33. These changed tactics, including prioritizing targeted arrests of individuals engaged in criminal activity over a crowd management response have limited interaction between PPB officers and protesters and significantly reduced the amount of force deployed.

34. I make this declaration in support of Defendant City of Portland's FRCP 12(b)(1) and 12(b)(6) Partial Motion to Dismiss.

**I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.**

DATED: 11/4/22 \_\_\_\_\_

**Craig N. Dobson** Digitally signed by Craig N. Dobson  
Date: 2022.11.04 18:26:42 -07'00'  
\_\_\_\_\_  
Craig Dobson